



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,825	02/18/2005	Hidetsugu Ikeda	285358US0PCT	1651
22850	7590	02/19/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CROUSE, BRETT ALAN				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
02/19/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/524,825

Applicant(s)

IKEDA ET AL.

Examiner

Brett A. Crouse

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9, 11, 12, 15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 January 2010 has been entered.

Status of Claims

2. The amendment, filed 25 January 2010, amends claim 6, and cancels claims 14, 16.
3. Claims 6-9, 11, 12, 15, 17-19 are pending.

Response to Amendment

4. The rejection of claims 6, 7, 8, 9, 11, 12, 14, 15, 17, 18, 19 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 8 of U.S. Patent No. 7,504,526 is overcome by the amendment, filed 25 January 2010.

5. The rejection of claims 8, 9, 11 under 35 U.S.C. 103(a) as being unpatentable over Shi et al., EP 1,009,044 A2 as applied to claims 6, 7, 15, 17, 18, 19 above, and further in view of Shi et al., US 5,935,721, and Shi et al., US 5,972,247 is withdrawn.

6. The rejection of claim 12 under 35 U.S.C. 103(a) as being unpatentable over Shi et al., EP 1,009,044 A2, in view of Shi et al., US 5,935,721, and Shi et al., US 5,972,247, as applied to claims 8, 9, 11 above, and further in view of Ikeda et al., JP 2001-097897 is withdrawn.

Claim Rejections - 35 USC § 102/103

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 7, 15, 17, 18, 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shi et al., EP 1,009,044.

Shi (EP) teaches:

As to claims 6, 7, 15, 17, 18, 19:

Paragraph [0010], formula (I), teaches an anthracene derivative of formula (I) for an electroluminescent device.

Paragraph [0011], formulae (VI), (VII), (X), (XI), teach derivatives of formula (I) which meet the limitations of general formulae (1) and (2) of claims 6, and 15 of the instant invention. Formulae (X) and (XI) meet the limitations of formulae (1) and (2) when R_3 is aryl as provided for in the description of formula (1), paragraph [0010] and line 58, page 6, paragraph [0011]. Additionally, formulae (VI), (VII), (X), and (XI) provide substituted or unsubstituted naphthalene groups.

Paragraph [0026], attention is directed to compounds 47, 48, 50, 51, 52, 54, 55, 56, and 57.

For the aryl group of R_3 it would further have been at once envisaged to select the aryl group from those exemplified by Shi.

In the alternative:

Additionally, it would have been obvious to one of ordinary skill in the art to select an aryl group for the substituent R_3 in formula (X, XI) of Shi with the expectation that the resulting compound would function as a charge transport material in the device of Shi as suggested by Shi in the description of R_3 and formula (X, XI).

Allowable Subject Matter

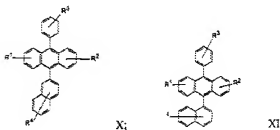
10. Claims 8, 9, 11, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments have been fully considered but they are not persuasive.

With respect to the 102(b) / 103(a) rejection over Shi et al., EP 1,009,044 applicant argues Shi does not teach or suggest the substitution pattern of the anthracene derivative of the instant claims. The examiner respectfully disagrees for the reasons below.

Shi (EP) teaches as formulae X and XI, shown below, asymmetrically 9,10-substituted anthracene derivatives.



Shi (EP), in the example compounds provides examples of substituents to the phenyl ring(s) of the exemplified compounds. Shi (EP) provides an exemplified set of substituents to the phenyl group(s) directly bonded to the anthracene ring of formulae VI, VII, VIII, IX, X, and XI in paragraph [0026] which consists of only 4 members. (hydrogen, phenyl, tolyl, and naphthyl) It

would have been at once envisaged or in the alternative obvious to select the substituents of formulae X and XI from this exemplified set consisting of only four members.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett A. Crouse whose telephone number is (571)-272-6494. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. C./
Examiner, Art Unit 1794

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit
1794

Application/Control Number: 10/524,825
Art Unit: 1794

Page 7